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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,350	06/21/2001	Takanori Nishio	16869P022900	4465

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/886,350

Applicant(s)
Takanori, Nishio et al.

Examiner
Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231

DETAILED ACTION

1. This Office action is in response to Application No. 09/886,350, filed on 06/21/2001.
2. Claims 1-28 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. (U.S. Pat. No. 6,012,032) in view of Misra et al. (U.S. Pat. No. 6,189,146).

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As per claims 1-6, and 20-28 Donovan substantially discloses a system/method of accounting and billing for data storage on a plurality of data storage devices. The data storage is mapped to a number of service levels, which specify varying data access and retrieval speeds (which is readable as Applicant's claimed invention wherein said a method for providing a plurality of service functions to a plurality of users by a storage system), comprising:

receiving a request by a user of said plurality of users for performance of a service function of said plurality of service functions (see., abstract, col 2, lines 1-14, lines 46-67). It is to be noted that Donovan fails to explicitly disclose the step of checking if said service function is allowed by said storage system according to a usage constraint (usage constraint or license). However, Misra discloses a software licensing system that includes a license generator located at a licensing clearinghouse and at least one license server. The software license also has a license ID that is associated with the client or user ID in a database or storage record kept at the license server (see., abstract, col 2, lines 22-67, col 4, lines 1-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the data storage of Donovan by including the limitation detailed above as taught by Misra because this would assure that the terms are being met and assist the licensee with monitoring whether it is in compliance with software license.

As per claims 7 and 8 Donovan substantially discloses a system/method of accounting and billing for data storage on a plurality of data storage devices. The data storage is mapped to a number of service

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levels, which specify varying data access and retrieval speeds (which is readable as Applicant's claimed invention wherein said a method for providing a plurality of service functions to a plurality of users by a storage system), comprising:

receiving a request by a user of said plurality of users for performance of a service function of said plurality of service functions (see., abstract, col 2, lines 1-14, lines 46-67). It is to be noted that Donovan fails to explicitly disclose the step of checking if said service function is allowed by said storage system according to a usage constraint (usage constraint or license). However, Misra discloses a software licensing system that includes a license generator located at a licensing clearinghouse and at least one license server. The software license also has a license ID that is associated with the client or user ID in a database or storage record kept at the license server (see., abstract, col 2, lines 22-67, col 4, lines 1-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the data storage of Donovan by including the limitation detailed above as taught by Misra because this would assure that the terms are being met and assist the licensee with monitoring whether it is in compliance with software license.

5. Claims 9-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Donovan in view of Glassman et al. (U.S. Pat. No. 6,453,305).

As per claims 9-19, Donovan substantially discloses a system/method of accounting and billing for data storage on a plurality of data storage devices. The data storage is mapped to a number of service

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levels, which specify varying data access and retrieval speeds (which is readable as Applicant's claimed invention wherein said a method for providing a plurality of service functions to a plurality of users by a storage system), comprising:

receiving a request by a user of said plurality of users for performance of a service function of said plurality of service functions (see., abstract, col 2, lines 1-14, lines 46-67). It is to be noted that Donovan fails to explicitly disclose the process of predetermining limit on a number of said plurality of users. However, Glassman discloses an electronic commerce system/method that enforces a license agreement for content on an open network by restricting the number of consumers or users that can concurrently access the content see., abstract, col 3, lines 43-67, col 4, lines 1-15. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the data storage of Donovan by including the limitation detailed above as taught by Glassman because this would restrict the number of consumers or users that access the content.

Conclusion

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

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Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687



Pierre Eddy Elisca

Primary Examiner

January 07, 2004